

STEP ONE: Joint Motion submitted to District Court

NO.
UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF _____

}
}
}
}
}
}
}
}
}
}

JOINT MOTION
UNDER
FED. R.CIV. P. 60(b) and 62.1

The parties jointly file this motion for relief under Fed. R. Civ. P. 60 (b) and for an indicative ruling pursuant to Fed. R. Civ. P. 62.1.

While on appeal, and pursuant to discussions under Rule 33, Rules of the Sixth Circuit, the parties have reached an agreement to settle this matter. One of the terms of this agreement is ...[specify the term of the agreement].

In order to effectuate this settlement, the parties respectfully request this court to ...[specify the Dist. Court action being requested]. Further, the parties request this Court to indicate its willingness to grant this motion by entry of the attached order indicating it “will grant the motion” if the Court of Appeals remands the case(s) for that purpose.

Respectfully submitted,

NO.

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF _____

}

}

}

ORDER

This matter came to be heard upon the joint motion of the parties pursuant to Fed. R. Civ. P. 60(b) and 62.1 asking this Court to[specify the Dist. Court action being requested].

Considering the parties desire to settle and the entire record, the Court is of the opinion, and so finds, that should the case be remanded to it by the Court of Appeals for the Sixth Circuit, it will grant the relief requested.

IT IS, THEREFORE, ORDERED BY THE COURT that if this case is remanded to the District Court by the Court of Appeals, this Court will grant the parties' motion.

ENTERED this _____ day of _____, 201_.

JUDGE

STEP TWO: Joint remand motion to be filed in Circuit Court with District Court Order attached.

NO.
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

}

}

}

}

JOINT MOTION FOR LIMITED REMAND

The parties jointly move, pursuant to FRAP 12.1, for a remand of this case to the United States District Court for the _____ District of _____ for the limited purpose of ruling on the parties' joint motion under Fed. R. Civ. P. 60(b) and 62.1.

While on appeal and pursuant to discussions under Rule 33, Rules of the Sixth Circuit, the parties reached an agreement to settle this matter. One of the terms of this agreement was...[specify the term of the agreement]. In order to make this settlement possible, the parties jointly filed a motion under Fed. R. Civ. P. 60(b) and 62.1 requesting the District Court to ...[specify the Dist. Court action being requested].

The District Court has indicated it will grant the parties' motion if this Court remands the case to it. A copy of that Order is attached.

Wherefore, we respectfully ask the Court for a limited remand of this case to the U.S. District Court for the reasons specified.

Respectfully submitted,

NO.

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

ORDER

In accordance with the agreement reached between the parties pursuant to Rule 33, Rules of the Sixth Circuit, the parties have jointly moved, pursuant to FRAP 12.1, to remand this case to the United States District Court for the _____ District of _____ for the limited purpose of determining the parties' joint motion filed pursuant to Fed. R. Civ. P. 60(b) and 62.1.

Upon consideration of the motion and further considering the District Court's order of _____, 201_,

IT IS ORDERED that the motion be and is hereby granted. This appeal(s) is remanded to the District Court for further proceedings. The parties shall notify this Court promptly after the District Court has decided the motion on remand.

ENTERED PURSUANT TO RULE 33
RULES OF THE SIXTH CIRCUIT
Leonard Green, Clerk

Notice of Indicative Ruling:

NO. _____

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

)
)
)
)
)
)
)
)
)

NOTICE OF INDICATIVE
RULING
WHILE ON REMAND

Notice is hereby given that the United States District Court for the _____
District of _____ has decided the parties’ joint motion on remand filed
pursuant to Fed.R.Civ.P. 60(b) and 62.1. A copy of that Order is attached.

Respectfully submitted,